

3. LG, as Claimant, and CMS, as Respondent, proceeded with JAMS Arbitration No. 1220061506 (“Arbitration”), the Honorable Melinda A. Johnson, Ret., presiding (“Arbitrator”).

4. The Arbitrator issued an Award dated September 2, 2021 (“Arbitration Award”), determining LG to be the prevailing party. The Arbitrator awarded LG damages against CMS in the amount of \$137,477.89 plus post award interest and awarded LG attorney’s fees and costs against CMS of \$105,478.51.

5. LG has not received any payment from CMS to satisfy the Award.

6. LG further seeks attorneys’ fees and costs to pursue post arbitration collection and to obtain judgment pursuant to the contract and California law in the amount of \$6,919.17.

7. LG requests that the Court reopen this case to permit LG to file its Application to Confirm Arbitration Award and for Entry of Judgment.¹

WHEREFORE, Defendant Land Gorilla, Inc. respectfully requests the Court grant this *Ex Parte* Motion to Reopen this Civil Action and for any additional and further relief to which it may be justly entitled.

¹ On November 19, 2020, CMS filed its *ex parte* Motion to Reopen to seek default judgment against Defendant William Berthelette (“Berthelette”). Dkt. #21. On November 23, 2020, the Court entered its Order reopening the case for the sole purpose of allowing CMS to seek default judgment against Berthelette. Dkt. #22. CMS filed a Motion for Default Judgment against Berthelette on December 4, 2020, Dkt. #31, and an Amended Motion for Default Judgment on January 12, 2021. Dkt. #27. The Court entered Default Judgment against Berthelette on March 26, 2021. Dkt. #31.

Respectfully submitted,

By: /s/ Jonathan M. Herman
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CERTIFICATE OF SERVICE

On December 17, 2021, I electronically submitted the foregoing document and its supporting papers with the Clerk of the Court using the electronic case filing system of the Court. I hereby certify that I have served all counsel or pro se parties of record electronically or by another method of service authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Jonathan M. Herman
Jonathan M. Herman